

SHEARER LUMBER PRODUCTS, INC.,)	AGBCA Nos. 99-162-1
)	2001-160-1
Appellant)	
)	
Representing the Appellant:)	
)	
Bruce M. Smith, Esquire)	
Joseph D. Mallet, Esquire)	
225 North 9 th Street, Suite 240)	
Boise, Idaho 83702)	
)	
Representing the Government:)	
)	
Marcus R. Wah, Esquire)	
Office of the General Counsel)	
U.S. Department of Agriculture)	
P.O. Box 7669)	
Missoula, Montana 59807-7669)	

DECISION OF THE BOARD OF CONTRACT APPEALS

November 12, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

These appeals arise out of Contract No. 17-04-023986 for the Otter Wing Timber Sale on the Nez Perce National Forest in Idaho, between Shearer Lumber Products (Shearer or Appellant) and the U. S. Forest Service, an agency of the U. S. Department of Agriculture (FS or Respondent). AGBCA No. 99-162-1 is an appeal of a Contracting Officer's (CO) decision denying in large part Appellant's claim on behalf of its subcontractor for a variety of costs incurred as a result of protest activities and associated delays during the period July 29, 1998 to August 31, 1998. AGBCA No. 2001-160-1 is the appeal of a second such decision relating to similar claims during protests in the period September 1, 1998, to November 19, 1998.

Pleadings were filed in both appeals and Respondent submitted appeal files. The parties conducted significant discovery. A hearing was set for August 12-14, 2003. A few weeks before the scheduled hearing, the Board was informed that the appeals had been settled. Appellant has now furnished the Board with a copy of the settlement agreement signed by both parties and asked that the appeal be dismissed with prejudice.

DECISION

The parties having settled the appeals, they are hereby dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
November 12, 2003